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RATNERPRESTIA			TENTONI, LEO B	
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WILMINGTON, DE 19899			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

Election/Restrictions

1. Claims 15-21 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 30 October 2009.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1, 2, 6-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senecal et al (U.S. Patent Application Publication 2001/0045547 A1) in combination with Kasai et al (JP 01111007 A).

Senecal et al (see the entire document, in particular, paragraphs [0004], [0010], [0015] and [0020] - [0023]) teaches a process of making a dyed fiber (e.g., for use as textile/fiber reinforcement) including the steps of mixing at least one dye capable of reversibly changing color and at least one polymer into at least one solvent at a temperature below the temperature at which the dye or polymer degrades to form a polymer dye solution, and electrospinning the polymer dye solution to form a fiber wherein the dye penetrates more than the surface of the fiber. Senecal et al does not teach that the dye is a photochromic compound (i.e., a dye that changes color on exposure to radiant energy) (Senecal et al teaches a dye that changes color on exposure to a chemical environment). Kasai et al (see the English-language abstract) teaches a process of making a dyed fiber (e.g., for use in clothes) including the use of a dye that is a photochromic compound, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Senecal et al in view of Kasai et al in order to provide for textile/fiber reinforcement that is capable of changing color upon exposure to radiant energy.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Senecal et al (U.S. Patent Application

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Publication 2001/0045547 A1) in combination with Kasai et al (JP 01111007 A) as applied to claims 1, 2, 6-10 and 12-14 above, and further in view of Balkus, Jr. et al (U.S. Patent Application Publication 2003/0168756 A1).

Senecal et al does not explicitly teach the use of polymethyl methacrylate polymer in the manufacture of a dyed fiber (Senecal et al teach the use of polymers in the manufacture of a dyed fiber). Balkus, Jr. et al (see the entire document, in particular, paragraphs [0060], [0064], [0067] and [0100]) teaches a process of making a dyed fiber including the use of polymethyl methacrylate polymer, and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Senecal et al in view of Balkus, Jr. et al in order to manufacture a dyed fiber from polymethyl methacrylate polymer (i.e., substituting one known polymer (e.g., polymethyl methacrylate) for other known polymers would have yielded predictable results (e.g., the manufacture of a dyed fiber from a desired polymer) to one of ordinary skill in the art at the time the invention was made).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2 and 6-14 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant argues (pages 5 and 6) that Senecal et al does not teach the use of a photochromic dye (i.e., a dye that changes color on exposure to radiant energy), but rather a dye that

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changes color on exposure to a chemical environment. Examiner agrees about the teaching of Senecal et al, and notes that Kasai et al teaches the use of a photochromic dye. Both Senecal et al and Kasai et al are directed to the manufacture of a dyed fiber. The process of Senecal et al finds use in textile/fiber reinforcement and the process of Kasai et al finds use in clothing. The substitution of one known element (i.e., a photochromic dye which is capable of reversibly changing color) for another known element (i.e., a non-photochromic dye which is capable of reversibly changing color) would have yielded predictable results (i.e., the manufacture of a dyed fiber which contains a dye which is capable of reversibly changing color) to one of ordinary skill in the art at the time the invention was made. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention to use a photochromic dye in the process of Senecal et al in view of Kasai et al in order to provide for textile/fiber reinforcement that is capable of changing color upon exposure to radiant energy.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Leo B. Tentoni/
Primary Examiner, Art Unit 1791